

## REPORT

### Commissioners Delegated Authority Meeting

Meeting Date: May 27, 2024

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**FROM:** Planning Services Department

**DATE:** May 27, 2024

**SUBJECT:** Recommendation Report – Removal of “H48” Holding Provision, 70 Old Mill Road File No.: ZH 5/24, By-law 2024-083

**LOCATION:** 70 Old Mill Road

**WARD:** Ward 3

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#### RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: ZH 5/224) submitted by 2317511 Ontario Inc., to remove the H48 Holding Provision from 70 Old Mill Road be approved; and,
2. That By-law 2024-083, a by-law to remove the H48 Holding Provision on 70 Old Mill Road, from Zoning By-law 2014-014, as amended, be passed.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- Applications to amend the Livable Oakville Plan (OPA 1614.77) and Zoning By-law (Z.1614.77) on the subject lands were approved by the Town Council on May 2, 2022, to permit the development of the subject lands currently subject to a Site Plan application (SP.1614.089/02).
- The “H48” Holding Provision was established on the subject lands at the request of the Town and Region of Halton.
- The “H48” Holding Provision relates to the future development and use of land covered in the Zoning By-law 2014-014. The purpose of the Holding Provision is to restrict the use of the land to legally existing uses, buildings and structures on the subject lands, until such time as Condition a), b) and c) of Part 16.3.48 of the Zoning By-law 2014-014 have been completed to the satisfaction of the Town and Region of Halton.
- The subject lands are municipally known as 70 Old Mill Road and are subject to a Site Plan application (SP.1614.09/02) to permit the future

development of a 12-storey, 154-unit condominium building with underground parking.

- The subject application was received on March 22, 2024, which included the required documentation as justification that the Conditions for removal of the “H48” are completed.
- The Region of Halton confirmed that they have no objections to the application and that the applicant has satisfied their Conditions to remove the “H48” Holding Provision from the subject lands.
- Town Transportation Engineering Staff confirmed that they have no objections with removal of the “H48” Holding Provision from the subject lands.
- Staff recommend that By-law 2024-083 be passed, which would have the effect of removing “H48” from 70 Old Mill Road.

#### **BACKGROUND:**

On May 2, 2022, Town Council approved By-law 2022-047, which established the “H48” Holding Provision as a supplementary component of the Zoning By-law Amendment application Z.1614.77.

The “H48” Holding Provision was incorporated into the Zoning By-law at the request of the Town and Region of Halton. The purpose of the “H48” is to limit development on the subject lands to legally existing uses, buildings and structures on the subject lands, until such time that the following conditions have been satisfied:

- a) That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville. In this regard downstream sewer constraints shall be addressed and any upgrades and/or replacement be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of wastewater services.
- b) That an updated FSR be approved by Halton Region and any requirements of Halton Region be addressed to their satisfaction in relation to the findings and/or recommendations of the report.
- c) That an updated Transportation Impact Study be approved to the satisfaction of the Town of Oakville demonstrating that sufficient transportation infrastructure capacity is available to accommodate the development.

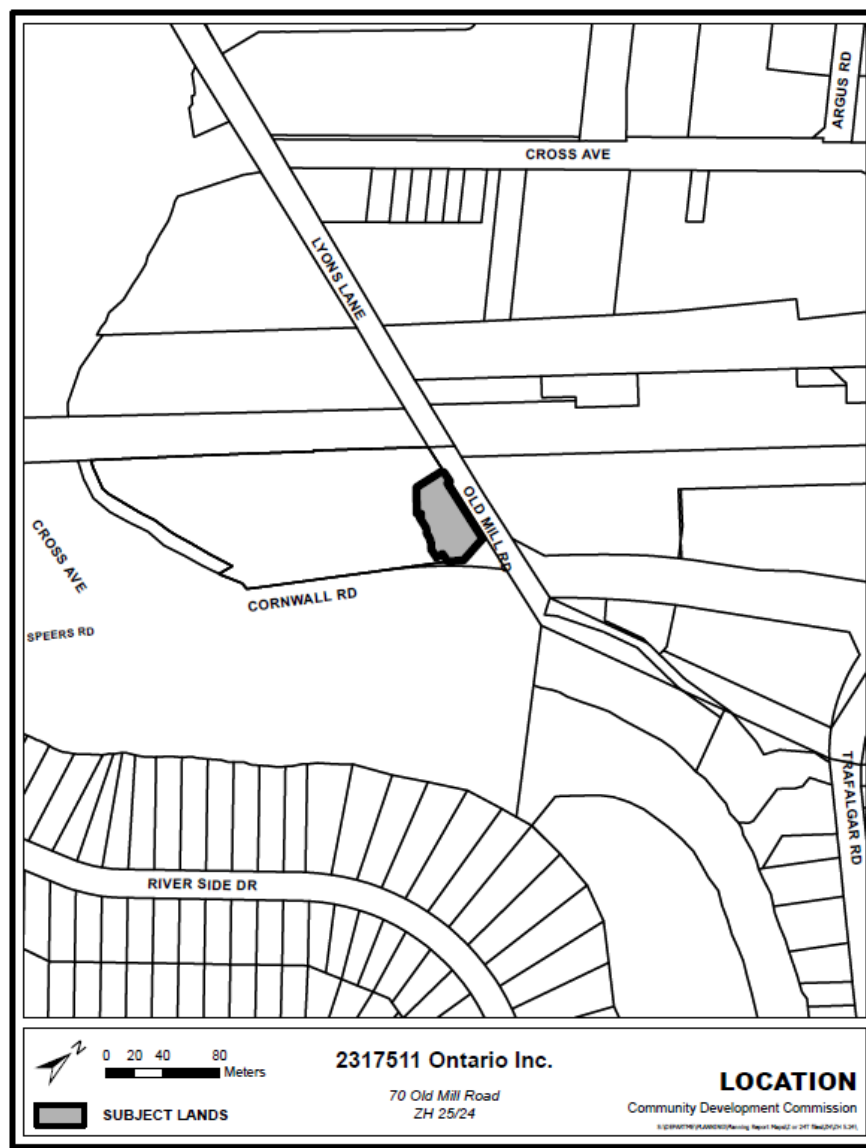
The Applicant will be eligible to proceed with further development approvals once the “H48” is removed from Zoning By-law 2014-014.

## Proposal

The applicant is requesting to remove the “H48” Holding Provision from the subject lands, to allow for the development of a 12-storey, 154-unit residential condominium building with underground parking. The proposed residential building is subject to a Site Plan application (SP.1614.089/02), which is currently under review.

## Location & Site Description

The subject land is located at the northwest corner of Cornwall Road and Old Mill Road, as seen in Figure 1:



**Figure 1:** Location Map

### TECHNICAL & PUBLIC COMMENTS:

The subject lands were part of an extensive public consultation process through the development application review for the Official Plan amendment (OPA 1614.77), Zoning By-law amendment (Z.1614.77). Currently, there is a Site Plan application (SP.1614.089/02) that is under review and nearing Final Approval, which requires removal of the “H48” Holding Provision.

The purpose of the “H48” Holding Provision is to prevent development of the lands until such time that adequate servicing and sufficient transportation infrastructure capacity is available for the proposed development.

The Town received an application from 2317511 Ontario Inc. to remove the “H48” Holding Provision from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2014-014, Part 16, Holding Provision, Table 16.3.48, indicates that the “H” symbol may be removed when the following Conditions have been satisfied:

H48	70 Old Mill Road (Part of Lots 14 & 15, Concession 3, S.D.S)	Parent Zone: RH
Map 12(5)		(1994-144) (2002-018) (2003-138) (2007-096) (2008-051) (2013-06) (2015-018) (2015-079) (2022-047)
16.3.48.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	Legal uses, <i>buildings</i> and <i>structures</i> existing on the <i>lot</i> .	
16.3.48.2 Conditions for Removal the “H” for Block 2 Lands		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville. In this regard downstream sewer constraints shall be addressed and any upgrades and/or replacement be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of wastewater services.	
b)	That an updated FSR be approved by Halton Region and any requirements of Halton Region be addressed to their satisfaction in relation to the findings and/or recommendations of the report.	

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c)	That an updated Transportation Impact Study be approved to the satisfaction of the Town of Oakville demonstrating that sufficient transportation infrastructure capacity is available to accommodate the development.
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On April 12, 2024, the Region of Halton advised that the applicant has provided appropriate documentation and confirmation that sufficient water and wastewater services are available for the proposed development and have no objection to the removal of the “H48” Holding Provision as it relates to Conditions a) and b).

On April 15, 2024, Town Transportation Engineering Staff advised that they have no objection to the removal of the “H48” Holding Provision as it relates to Condition c).

**CONSIDERATIONS:**

**(A) PUBLIC**

Notice of intention to pass an amending by-law which would remove the “H48” Holding Provision has been provided to the landowner and adjacent landowners of the subject lands pursuant to Section 36(4) of the *Planning Act*. There were not any submissions received from the public with respect to this application at the time of writing this report.

**(B) FINANCIAL**

None.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Halton Region has no objections to the removal of the “H48” Holding Provision as requested.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada.

**(E) CLIMATE CHANGE/ACTION**

The proposed development generally complies with the sustainability objectives of Livable Oakville.

**CONCLUSION:**

Staff is satisfied that the requirements for the removal of the Holding Provision “H48” as it applies to subject lands, have been sufficiently addressed to conclude that the Conditions have been “completed to the satisfaction of the Town of Oakville” and the Region of Halton have no objection to the Holding Removal.

Staff recommends that application ZH 5/24 be approved and By-law 2024-083 be passed which would have the effect of removing the “H48” from the subject lands.

By-law 2024-083 is attached as Appendix “A”.

**APPENDICES:**

Appendix “A” – By-law 2024-083

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